

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 00-C-0589

DUANE A. GREER,

Defendant.

ORDER

On July 17, 2000, the United States District Court for the Eastern District of Wisconsin entered a judgment against the defendant, Duane A. Greer, for \$2,625.00 in principal and interest of \$1,865.21 as of July 7, 2000, on debt one, and for \$2,900.00 in principal and interest of \$2,181.53 as of July 7, 2000, for debt two. Post-judgment interest was ordered compounded annually at the rate of 6.275% from the date of judgment. As of September 6, 2007, the defendant's remaining unpaid balance as a result of the aforementioned judgment is \$14,920.73, plus interest. (Affidavit of David J. Verrier [Verrier Aff.] ¶ 3). Since the entry of the judgment against him the defendant has paid nothing towards the debt owed the United States. (Verrier Aff. ¶ 3).

The defendant was mailed two letters – on June 27, 2007, and July 27, 2007 – requesting that he complete and return a financial statement to the United States Attorney's Office. The defendant did not return the financial statement or make any contact with the United States Attorney's Office. (Verrier Aff. ¶¶ 4, 5 and 7).

On August 15, 2007, the defendant was personally served with a civil subpoena commanding him to appear at the United States Attorney's Office at 2:00 p.m. on September

6, 2007. (Verrier Aff. ¶ 6, Exhs. 1 and 2). The defendant did not appear at the scheduled time on September 6, 2007, for the deposition.

With respect to the failure to obey a subpoena, Rule 45(e) of the Federal Rules of Civil Procedure provides in pertinent part as follows:

(e) **Contempt.** Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of court from which the subpoena issued.

Based upon the motion filed by the United States of America, and upon a showing of good cause as set forth in the memorandum, affidavit and exhibits filed in support of this motion,

NOW, THEREFORE, IT IS ORDERED that the defendant appear in Courtroom 282 of the United States District Court for the Eastern District of Wisconsin, 517 East Wisconsin Avenue, Milwaukee, Wisconsin, 53202, at **3:00 p.m. on Tuesday, November 13, 2007**, to show cause why he should not be adjudged in contempt of court.

Dated at Milwaukee, Wisconsin, this 23rd day of October, 2007.

BY THE COURT:

s/Patricia J. Gorence
PATRICIA J. GORENCE
United States Magistrate Judge